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12 Attorneys for Defendants
13 ALZA CORPORATION and
14 ORTHO-MCNEIL PHARMACEUTICAL, INC.

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA

17 IN RE: DITROPAN XL ANTITRUST
18 LITIGATION

CASE No. MDL Docket No. 1761 (JSW) (EDL)

19 THIS DOCUMENT RELATES TO:
20 THE DIRECT PURCHASER ACTION

21 **STIPULATION AND [REDACTED] ORDER
22 EXPEDITING BRIEFING SCHEDULE AND
23 HEARING FOR ALZA'S MOTION TO
24 COMPEL THE PRODUCTION OF
25 DOCUMENTS AND WRITTEN
DISCOVERY FROM AMERICAN SALES
COMPANY**

26 This stipulation is entered into by and between the Direct Purchaser Plaintiff American Sales
27 Company (“ASC”) and Defendant Alza Corporation (“Alza”), through their counsel of record and
28 without prejudice to the parties’ respective positions taken and asserted in connection with the
pending motion to dismiss. For the reasons explained below, this Stipulation between ASC and Alza
establishes an agreed-upon expedited briefing schedule for Alza’s motion to compel the production of
documents and written discovery from ASC.

1 1. On October 27, 2006, the Court held an initial case management conference pursuant
 2 to Local Rule 16-10(a) and Federal Rule 16. As a result of that conference, the Court entered
 3 Stipulated Case Management Order No. 2 (“CMO”) on November 1, 2006.

4 2. On January 9, 2007, Alza served its First Request for Production of Documents
 5 (“RFPs”) and First Set of Interrogatories (“Interrogatories”) on ASC. On February 21, 2007, ASC
 6 served its First Request for the Production of Documents and First Set of Interrogatories on Alza.

7 3. Pursuant to Fed. R. Civ. Proc. 37 and Civil L.R. 37-1(a), the parties have met and
 8 conferred regarding ASC’s responses to Alza’s RFPs and Interrogatories, but have been unable to
 9 resolve certain of the discovery disputes.

10 4. On June 26, 2007, ASC filed a motion class certification. Pursuant to the CMO, the
 11 deadline for Defendants Alza and Ortho-McNeil Pharmaceutical, Inc. (collectively, “Defendants”)
 12 to respond to ASC’s motion for class certification is September 25, 2007.

13 5. In view of the impending deadlines and the outstanding procedural issues that remain
 14 unresolved between the parties and under consideration by the Court, on August 27, 2007, the
 15 parties agreed to continue the dates and deadlines in the CMO and jointly requested that the Court
 16 enter an amended CMO with new dates and deadlines by way of stipulation and order. The new
 17 agreed-upon deadline for Defendants to respond to ASC’s motion for class certification is
 18 November 27, 2007.

19 6. Notwithstanding the parties’ stipulation that the Court continue the dates and
 20 deadlines in the CMO, Defendants believe that they will not be able to respond to ASC’s motion for
 21 class certification without adequate responses to the RFPs and Interrogatories which Alza will be
 22 moving to compel. In order for Defendants to have time to prepare their briefs and expert reports in
 23 opposition to the pending class certification motion and to avoid any further continuation of the
 24 class certification deadlines, an expedited briefing and hearing schedule on Alza’s motion to compel
 25 is necessary.

26 WHEREFORE, based on the foregoing facts and circumstances, the parties have met,
 27 conferred and agreed to jointly request an expedited briefing and hearing schedule for Alza’s
 28

motion to compel the production of documents and written discovery from ASC. Pursuant to Civil L. R. 6-2 and 7-12, the parties hereby agree and stipulate to the following briefing and hearing schedule and request the Court's approval thereto:

- a. Alza's motion to compel will be filed and served on or before September 6, 2007;
 - b. Plaintiff's opposition brief will be filed and served on or before September 13, 2007;
 - c. Alza's reply brief will be filed and served on or before September 20, 2007; and
 - d. The hearing date on the motion to compel will be set for 9:00 am, October 2, 2007 in Courtroom E.

STIPULATED AND AGREED TO BY:

Dated: August 28, 2007

By: _____ /s/ Edward Notargiacomo

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Attorneys for Direct Purchaser Plaintiff

Dated: August 28, 2007

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Attorneys for Defendants Alza Corporation
and Ortho-McNeil Pharmaceutical Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 30, 2007

Magistrate Judge Elizabeth D. Laporte
United States District Court Magistrate

